

CIVIL COVER SHEET

County in which action arose: _____

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sierra Strausser

(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian L. Fantich
Law Office of Kelman & Fantich
30903 Northwestern #270, Farmington, MI 48334
(248) 855-3557

DEFENDANTS

Taco Bell of America, LLC, A Foreign Limited Liability Company

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

John M. McManus
McManus Law, PLLC
117 W. 4th Street, Suite 201, Royal Oak, MI 48067
(248) 268-8989

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify) _____
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§ 1441, 1446(b).

Brief description of cause:

Removal

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Sheila Ann GibsonDOCKET NUMBER 22-000755-NO

DATE

February 22, 2022

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SIERRA STRAUSSER,

Plaintiff,

v.

Wayne County Circuit Court
Case No.: 22-000755-NO

TACO BELL OF AMERICA, LLC,
A Foreign Limited Liability Company

CASE NO.:

Defendant.

BRIAN L. FANTICH (60935)
Law Office of Kelman & Fantich
Attorney for Plaintiffs
30903 Northwestern #270
Farmington Hills, MI 48334
(248) 855-3557

JOHN M. McMANUS (P44102)
McManus Law, PLLC
Attorney for Defendant, Taco Bell
117 W. 4th Street, Suite 201
Royal Oak, MI 48067
(248) 268-8989

NOTICE OF REMOVAL

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

Defendant, Taco Bell of America, LLC, with its principal place of business in Irvine, California, by and through its attorneys, McManus Law, PLLC, hereby provides notice to and petitions this Court pursuant to 28 U.S.C. §§ 1441, 1446 of its intent to remove this cause to the United States District Court for the Eastern District of Michigan, Southern Division, and in support thereof states:

1. That on January 20, 2022, an action was commenced against Taco Bell of America, LLC in the Circuit Court for the County of Wayne, State of Michigan entitled:

State of Michigan
In Circuit Court for County of Wayne

Sierra Strausser, Plaintiff,

-vs-

Taco Bell of America, LLC, a
Foreign Limited Liability Company

CASE NO.: 22-000755-NO

2. That a copy of the Summons and Complaint in the Wayne County Circuit Court action, along with all other process, pleadings and orders issued in this action, are attached hereto and incorporated herein by reference. The Summons and Complaint were served on Defendant/Petitioner through Defendant's registered agent on January 27, 2022.

3. That plaintiff is currently, and was at the time of the filing of the Complaint, a citizen of the State of Michigan for purposes of Federal Court jurisdiction. The incident alleged in the Complaint occurred on February 2, 2019, and the Complaint alleges that plaintiff is a resident of Michigan.

4. That this action concerns an alleged slip and fall incident which occurred on February 2, 2019 at the Taco Bell restaurant located at 2306 Dix Hwy, City of Lincoln Park, Michigan ("the Taco Bell Restaurant"). At all times relevant hereto, the Taco Bell Restaurant was operated, possessed, controlled, and maintained by Taco Bell of America, LLC.

5. That defendant Taco Bell of America, LLC ("TBA") is a limited liability company with a principal place of business in Irvine, California. The sole member of TBA is Yum! Brands, Inc. Yum! Brands, Inc. is a North Carolina corporation with a principal place of business in Louisville, Kentucky. Accordingly, TBA is currently and was at the time of the filing of the Complaint a citizen of the States of California and North Carolina and the Commonwealth of Kentucky for purposes of Federal court jurisdiction.

7. That plaintiff's Complaint alleges that as a result of the alleged incident, she sustained:

- a. severe injuries to back and spine resulting in nerve damage; injuries to left elbow; diminished extension, flexion, and range of motion; injuries to her head; headaches, severe vertigo; injuries to her upper and lower extremities, altered gait, permanent limp, inability to ambulate; decrease in gross and fine motor skills, severe shock, as well as physical pain and suffering, bleeding and permanent scarring;
- b. The requirement of months of intense therapy, which injury is permanent in nature;
- c. Severe humiliation and embarrassment, which is of an ongoing and permanent nature; d. Loss of full ability to Perform the normal vocational and avocational activities of life, and which prevent Plaintiff from participating in recreational activities, which loss is permanent;
- f. Past, present and future hospital, medical, and pharmaceutical bills for treatment and medication; and
- g. Severe, frequent and persistent pain which is of a continuing and permanent nature.

8. That plaintiff's counsel, to date, has failed to sign a Stipulation for an Order Capping Damages at \$75,000, which was requested by defense counsel.

9. That pursuant to 28 U.S.C. § 1446(b), Defendant has filed this Notice of Removal within 30 days of receipt service of plaintiff's Complaint.

10. That this Honorable Court has original jurisdiction in this cause based on diversity of citizenship between the Plaintiff and Defendant/Petitioner and an amount in controversy in excess of \$75,000, and removal is therefore proper pursuant to 28 U.S.C. §§ 1441, 1446(b).

WHEREFORE, Defendant/Petitioner prays that the above action now pending against it in the State of Michigan, Circuit Court for the County of Wayne, be removed to the United States District Court, Eastern District of Michigan, Southern Division.

MCMANUS LAW, PLLC

/s/ John M. McManus

By: John M. McManus P44102
Attorney for Defendant
117 W. 4th Street, Suite 201
Royal Oak, MI 48067
(248) 268-8989

Dated: February 22, 2022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SIERRA STRAUSSER,

Plaintiff,

v.

Wayne County Circuit Court
Case No.: 22-000755-NO

TACO BELL OF AMERICA, LLC,
A Foreign Limited Liability Company

CASE NO.:

Defendant.

BRIAN L. FANTICH (60935)
Law Office of Kelman & Fantich
Attorney for Plaintiffs
30903 Northwestern #270
Farmington Hills, MI 48334
(248) 855-3557

JOHN M. McMANUS (P44102)
McManus Law, PLLC
Attorney for Defendant, Taco Bell
117 W. 4th Street, Suite 201
Royal Oak, MI 48067
(248) 268-8989

PROOF OF SERVICE

Olivia Dean, being duly sworn, deposes and states that she is employed by McManus Law, PLLC, and that on the 22nd day of February, 2022, she served Defendant, Taco Bell of America, LLC's Notice of Removal-Federal Court to the following:

Brian L. Fantich
Law Office of Kelman & Fantich
Attorneys for Plaintiffs
30903 Northwestern #270
Farmington Hills, MI 48334.

/s/ Olivia Dean

Approved, SCAO

Original - Court
1st Copy- Defendant2nd Copy - Plaintiff
3rd Copy -Return**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY****SUMMONS****CASE NO.
22-000755-NO
Hon. Sheila Ann Gibson**

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-5207

Plaintiff's name(s), address(es), and telephone no(s)
STRAUSSER, SIERRA

v

Defendant's name(s), address(es), and telephone no(s).
TACO BELL OF AMERICA, LLC, a Foreign Limited
Liability Company

Plaintiff's attorney, bar no., address, and telephone no

Brian L. Fantich 60935
30903 Northwestern Hwy Ste 270
Farmington Hills, MI 48334-3148**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
1/20/2022Expiration date*
4/21/2022Court clerk
Carlita McMiller

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONS
Case No. : **22-000755-NO**

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.

My commission expires: _____ Date Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____ Day, date, time

_____ on behalf of _____ Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

SIERRA STRAUSSER,

Plaintiff,

Case No:

-NO

vs.

HON.

TACO BELL OF AMERICA, LLC,
A Foreign Limited Liability Company

Defendant.

LAW OFFICES OF KELMAN & FANTICH
BRIAN L. FANTICH (P60935)
CARRA J. STOLLER (P64540)
ADAM GANTZ (P58558)
Attorneys for Plaintiff
30903 Northwestern Highway, Suite 270
Farmington Hills, MI 48334
(248) 855-0100

COMPLAINT

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil actions, nor between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

NOW COMES the above-named Plaintiff, SIERRA STRAUSSER, by and through her attorneys, LAW OFFICES OF KELMAN & FANTICH, and files this Complaint against the Defendant, and states as follows:

1. That Plaintiff is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. That Defendant, TACO BELL OF AMERICA, LLC, A Foreign Limited Liability Company, is licensed and doing business located at 2306 Dix Hwy, City of Lincoln Park, County of Wayne, State of Michigan, with its Resident Agent The Corporation Company, 40600 Ann Arbor

Rd., Ste. 201, Plymouth, MI 48170.

3. That the amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

4. That on or about February 2, 2019, the Plaintiff was a business invitee and while on said premises, suddenly and without warning, she slipped and fell on an unnatural accumulation of black ice on Defendant's premises due to Defendant's defective physical structure causing ice to form in an unnatural manner and causing Plaintiff to sustain serious and disabling injuries.

5. That Defendant is responsible for the active negligence of its employees under the doctrine of respondeat superior and is also liable for the injuries sustained by Plaintiff.

6. That Defendant under a separate and distinct duty owed to Plaintiff is responsible for the active negligence of its employees and is liable to Plaintiff for the injuries sustained to her.

7. That Defendants under a separate and distinct duty owed to Plaintiffs Defendants negligently performed their respective obligations-duties to the detriment of Plaintiff under the contract causing severe and disabling injuries giving rise to tort liability.

8. That Defendants under a separate and distinct duty owed to Plaintiff Defendants through their respective active negligence created a new hazard altering the premises which posed an unreasonable risk of harm to the detriment of Plaintiff causing severe and disabling injuries.

9. That at the time, place and location aforesaid, it was the duty of the Defendant, by its agents and employees on its behalf, to exercise reasonable care in service activities, and to keep the environment in a reasonably safe condition for Plaintiff and other business invitees in accordance with the laws of the State of Michigan.

10. That at all times relevant to the within, the Defendant owed a duty to the Plaintiff to remain alert and safely perform its duties and were in a position to best control and prevent the

happening of this occurrence.

11. That notwithstanding Defendant's obligations and in total disregard of said duties, the Defendant breached the same by the following acts, including but not limited to:

- a. Failing to properly secure the area in order to prevent Plaintiff from being injured on Defendant's premises. Permitting said dangerous situation to occur in an area where Plaintiff was located, although Defendant knew or, in the exercise of reasonable care and diligence, should have known of the potential hazards thereof;
- b. Permitting a dangerous condition to exist on said premises and allowed and permitted said premises, to remain in an unsafe condition, although Defendant knew, or in the exercise of reasonable care and diligence, should have known it would injure Plaintiff;
- c. Failing to properly train Defendant's employees and secure the area or, in the alternative, to give adequate notice or warning to Plaintiff and other persons lawfully on said premises of the hazards Defendant created although Defendant knew of or, in the exercise of reasonable care and diligence, should have known of the dangers inherent to its actions;
- d. Failing to keep the area where invitees/tenants would walk in a condition fit for its intended and foreseeable use.
- e. Failing to inspect and maintain the physical structures on Defendant's premises which were defective and in turn caused Plaintiff to slip and fall.

12. That in the happening of the incident complained of herein, Plaintiff was not guilty of negligence or comparative negligence but that, as a direct and proximate result of the negligence, gross negligence, and carelessness of the Defendant by and through its agents and/or employees, Plaintiff suffered severe personal injuries as follows:

- a. Severe injuries to back and spine resulting in nerve damage; injuries to left elbow; diminished extension, flexion, and range of motion; injuries to her head; headaches, severe vertigo; injuries to her upper and lower extremities, altered gait, permanent limp, inability to ambulate; decrease in gross and fine motor skills, severe shock, as well as physical pain and suffering, bleeding and permanent scarring;
- b. The requirement of months of intense therapy, which injury is permanent in nature;
- c. Severe humiliation and embarrassment, which is of an ongoing and permanent nature;

- d. Loss of full ability to perform the normal vocational and avocational activities of life, and which prevent Plaintiff from participating in recreational activities, which loss is permanent;
- f. Past, present and future hospital, medical, and pharmaceutical bills for treatment and medication;
- g. Severe, frequent and persistent pain which is of a continuing and permanent nature.

13. That Defendants under a separate and distinct duty owed to Plaintiff Defendant's negligently directed/escorted Plaintiff to a defective area on the premises causing Plaintiff to sustain serious and disabling injuries.

14. That Defendants under a separate and distinct duty failed to direct/escort Plaintiff to a safe hazard free area, thereby causing Plaintiff to sustain serious and disabling injuries.

15. The Defendant through a separate and distinct theory of liability is liable to Plaintiff under the doctrine of res ipsa loquitur which the defendants breached violated.

16. That in the event that Plaintiff was suffering from any other medical and/or emotional condition then, in that event, Plaintiff claims that those conditions were precipitated, aggravated and/or accelerated by reason of the foregoing incident herein described.

WHEREFORE, Plaintiff prays for Judgment against the Defendant in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) that Plaintiff may be found to be entitled plus costs, interest and attorney fees so wrongfully sustained.

LAW OFFICES OF KELMAN & FANTICH

DATED: January 20, 2022



BRIAN L. FANTICH (P60935)
Attorney for Plaintiff

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

SIERRA STRAUSSER,

Plaintiff,

v.

CASE NO.: 22-000755-NO
JUDGE SHEILA ANN GIBSON

TACO BELL OF AMERICA, LLC,
A Foreign Limited Liability Company

Defendant.

BRIAN L. FANTICH (60935)
Law Office of Kelman & Fantich
Attorney for Plaintiffs
30903 Northwestern #270
Farmington Hills, MI 48334
(248) 855-3557

JOHN M. McMANUS (P44102)
McManus Law, PLLC
Attorney for Defendant,
Taco Bell of America, LLC
117 W. 4th Street, Suite 201
Royal Oak, MI 48067
(248) 268-8989

APPEARANCE

NOW COMES John M. McManus, Esq. of MCMANUS LAW, PLLC, and hereby files
his Appearance as attorney for Defendant, Taco Bell of America LLC, in the above captioned
matter.

Respectfully Submitted,

/s/ John M. McManus

John M. McManus (P44102)

MCMANUS LAW, PLLC

117 W. Fourth St., Ste. 201

Royal Oak, MI 48067

T: (248) 268-8989

F: (248) 284-2131

john@themcmanusfirm.com

Attorney for Taco Bell of America LLC

Dated: February 2, 2022

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

SIERRA STRAUSSER,

Plaintiff,

v.

CASE NO.: 22-000755-NO
JUDGE SHEILA ANN GIBSON

TACO BELL OF AMERICA, LLC,
A Foreign Limited Liability Company

Defendant.

BRIAN L. FANTICH (60935)
Law Office of Kelman & Fantich
Attorney for Plaintiffs
30903 Northwestern #270
Farmington Hills, MI 48334
(248) 855-3557

JOHN M. McMANUS (P44102)
McManus Law, PLLC
Attorney for Defendant,
Taco Bell of America, LLC
117 W. 4th Street, Suite 201
Royal Oak, MI 48067
(248) 268-8989

PROOF OF SERVICE

Olivia Dean, being duly sworn, deposes and states that she is employed by MCMANUS LAW, PLLC, and that on the 2rd of February, 2022 she filed an Appearance on behalf of Defendant, via electronic filing.

/s/ Olivia Dean
Olivia Dean